

Clerk, U.S. District Court
Southern District of Texas
FILED

JUN 04 2015

David J. Bradley, Clerk of Court

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA

V.

**Daniel J RODRIGUEZ
& Irene Marisol SALAZAR**

CRIMINAL COMPLAINT

Case Number: **C-15-708M**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 6/2/2015 in Kenedy County, in the

(Date)

Southern District of Texas defendant(s) **Daniel J RODRIGUEZ**

& Irene Marisol SALAZAR

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

Official Title

See Attached Affidavit of U.S. Border Patrol Agent

George A. Torres

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No


Signature of Complainant

George A. Torres

Printed Name of Complainant

Sworn to before me and signed in my presence,
and probable cause found on:

June 4, 2015

Date

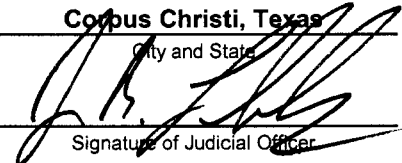
Jason B. Libby, U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State


Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

PROBABLE CAUSE / FACTS:

On June 2, 2015, Border Patrol Agent (BPA) Leticia Ruiz was assigned to checkpoint duties at the United States Border Patrol Checkpoint near Sarita, Texas. BPA Jorge Cepeda and his service canine "Miso" were also working on the primary inspection lane.

At approximately 9:40 p.m., a black Dodge Neon bearing Texas License Plates RYZ809 pulled into the primary inspection lane for an immigration inspection. BPA Ruiz questioned the driver, later identified as Daniel J. RODRIGUEZ, if he was a United States Citizen and he stated "Yes". BPA Ruiz proceeded to ask the passenger, later identified as Irene Marisol SALAZAR if she was a United States Citizen and she stated she was a United States Citizen as well. While BPA Ruiz was conducting her immigration inspection, BPA Cepeda and his Service Canine Miso were conducting a non-intrusive free-air sniff of the exterior of the vehicle.

BPA Ruiz asked the occupants of the vehicle who was the owner of the vehicle and RODRIGUEZ stated it was his. BPA Ruiz observed RODRIGUEZ did not make eye contact with her while answering her question. BPA Ruiz then asked RODRIGUEZ if the vehicle was registered under his name to which he stated it wasn't while SALAZAR interrupted him stating it belonged to a friend.

BPA Ruiz walked towards the back door to check for additional occupants and asked about the purpose of their trip. While SALAZAR responded they were going to Corpus Christi, Texas, BPA Ruiz noticed the back of vehicle riding low to the ground to which she relayed to BPA Cepeda.

At this point, BPA Cepeda advised BPA Ruiz that his canine "Miso" had alerted to the trunk area of the vehicle. BPA Ruiz then asked for and received consent from RODRIGUEZ to take a look inside the trunk. The driver appeared to be very confused on how to open the trunk as his hands noticeably trembled and he accidentally opened the hood instead of the trunk. BPA Ruiz asked RODRIGUEZ for him to give her the keys to be able to open the trunk and RODRIGUEZ handed BPA Ruiz the keys with trembling hands.

BPA Ruiz then handed the keys to BPA Cepeda and continued to question the RODRIGUEZ about the passenger and the vehicle. Once BPA Cepeda opened the trunk, he advised BPA Ruiz there were people in the trunk.

A total of three subjects were removed from the trunk. All subjects were placed under arrest and escorted into the United States Border Patrol Checkpoint for interview processing.

MIRANDA RIGHTS WARNING:

On June 2, 2015 at 9:55 p.m., BPA Ruiz read Irene Marisol SALAZAR her Miranda Warning Rights in the English language. SALAZAR signed and stated that she understood her rights and

was willing to make a statement without a lawyer present. BPA Jeffery Bennett witnessed the reading and signing of the rights.

On June 2, 2015 at 10:00 p.m., BPA Ruiz read Daniel RODRIGUEZ his Miranda Warning Rights in the English language. RODRIGUEZ signed and stated that he understood his rights and was willing to make a statement without a lawyer present. BPA Jeffery Bennett witnessed the reading and signing of the rights.

On June 2, 2015 at 10:08 p.m., BPA Ruiz read Arturo GONZALEZ-Ruiz his Miranda Warning Rights in the Spanish language. GONZALEZ signed and stated that he understood his rights and was willing to make a statement without a lawyer present. BPA Jeffery Bennett witnessed the reading and signing of the rights.

On June 2, 2015 at 10:12 p.m., BPA Ruiz read Enedino RAMIREZ his Miranda Warning Rights in the Spanish language. RAMIREZ signed and stated that he understood his rights and was willing to make a statement without a lawyer present. BPA Jeffery Bennett witnessed the reading and signing of the rights.

On June 2, 2015 at 10:17 p.m., BPA Ruiz read Maria Soledad BOYZO-Tellez her Miranda Warning Rights in the Spanish language. BOYZO signed and stated that she understood her rights and was willing to make a statement without a lawyer present. BPA Jeffery Bennett witnessed the reading and signing of the rights.

MATERIAL WITNESS STATEMENT:

Arturo GONZALEZ-Ruiz stated he had made arrangements to pay \$7,000 dollars for his wife (BOYZO-Tellez, Maria Soledad) and him to be transported to Houston, Texas. GONZALEZ stated he was a backseat passenger behind the driver in the vehicle when they were being taken from the house. GONZALEZ stated a male in a red shirt was driving the black sedan and came to a stop at a gas station at an unknown location. He stated after arriving at the gas station, the male subject in the red shirt left the vehicle and two other subjects got in the vehicle. When the two subjects got in the vehicle (SALAZAR and RODRIGUEZ), they started to drive on the highway and were later told by the two subjects to get into the trunk by pulling the seat down from the backseat. He stated they were in the trunk for about 15-20 minutes before arriving at the checkpoint. GONZALEZ wasn't educated on how to open the trunk in case of an emergency and stated the driver and passenger of the vehicle were aware they were illegal.

MATERIAL WITNESS STATEMENT:

Maria Soledad BOYZO-Tellez stated she and her husband, GONZALEZ-Ruiz, Arturo had made arrangements to be transported to Houston, Texas, their final destination being Atlanta, Georgia. Subject stated she didn't know how much the trip was costing because her husband had made the arrangements before they were smuggled. Subject stated after being transported to a house, she was placed in a black sedan with the two other subjects in the backseat and stated there was only one front seat driver. Subject stated a male subject in a red shirt about 40 years of age drove them to a gas station and there the two subjects (RODRIGUEZ and SALAZAR) got inside the vehicle and began driving northbound. BOYZO-Tellez stated after driving for a while, her husband told her to get in the trunk through the backseat of the vehicle. She stated she was in the vehicle for

about 15 minutes before agents at the checkpoint opened the trunk. BOYZO-Tellez stated she did not know how to get out of the trunk in case of an emergency and stated the driver and the passenger of the vehicle were aware they were illegal.

MATERIAL WITNESS STATEMENT:

Enedino RAMIREZ stated he made arrangements to pay \$3,000 dollars to be smuggled to Houston, Texas, from there his final destination was Dallas, Texas. He stated he was in a house for about five days before a black sedan picked them up. After the sedan picked them up, he sat in the backseat behind the front passenger. He stated the driver was a male with a red shirt and the only other person in the front. RAMIREZ stated he was transported to a gas station where two others (RODRIGUEZ and SALAZAR) boarded the vehicle. While en route, subject stated both RODRIGUEZ and SALAZAR advised the backseat occupants to go into the trunk through the backseat latch. Subject stated he was in the trunk for about 15-20 minutes before being discovered by Border Patrol. RAMIREZ stated he had no knowledge on how to get out of the trunk in case of an emergency and also stated SALAZAR and RODRIGUEZ had knowledge they were illegal.

PRINCIPAL STATEMENT:

Daniel J RODRIGUEZ stated he was at the "Su Casa" hotel in room 225 when he was picked up along with SALAZAR. RODRIGUEZ states he was told about the ordeal and stated he needed extra money because he wasn't working. RODRIGUEZ states he was going to get paid \$50 dollars to be passenger in the vehicle but SALAZAR made him drive and stated he might have been given more than that since he was driving. RODRIGUEZ stated SALAZAR made contact with two phone numbers; one starting as "956-577" and the other "361-255". RODRIGUEZ signed and also gave consent to search his white cell phone. He stated after being picked up, he was taken to an Exxon mobile gas station on Wilson Road in Harlingen, Texas. There, he stated that he was told to drive the black sedan northbound, and he didn't know where he was supposed to drop off the subjects in the backseat. He also stated when they started driving north, a 2015 HEMI challenger white with red stripes in color followed them until they reached a big tower. RODRIGUEZ stated after the tower, the vehicle turned around and the female told the backseat passengers to get in the trunk through the backseat of the vehicle. RODRIGUEZ stated after the people were inside the trunk, they attempted to pull the seat back up but SALAZAR closed it and made sure it locked shut

CO-PRINCIPAL STATEMENT:

Irene Marisol SALAZAR stated she had been contacted by a friend (Jose CARDENAS) around 5:30 p.m. to make an offer to smuggle illegal aliens. She stated she has known CARDENAS for about a year through the smuggling organizations, and stated CARDENAS is an illegal alien from Honduras, living in Weslaco, Texas. SALAZAR stated she was picked up at the Plaza Inn in Harlingen where she was staying with her boyfriend (RODRIGUEZ). After being picked up, she was transported along with RODRIGUEZ to a gas station on Wilson Road in Harlingen. There, she stated a male she had met the day prior dropped off a vehicle she was supposed to get in. She stated the male subject's name is Lupe and he was wearing a red and white shirt. At the gas station, she stated she had a conversation with Lupe and Rodriguez about the ordeal and RODRIGUEZ volunteered to drive. She also stated they drove northbound and told the passengers to get in the trunk through the backseat before getting to the checkpoint. SALAZAR

stated she did know the subjects were illegally present in the United States and was going to get paid \$400 dollars to drop them off at the rest area just north of the checkpoint. SALAZAR signed and also gave consent to search her black cellphone.

NOTE: Irene Marisol SALAZAR has two prior alien smuggling cases. On July 16, 2007, SALAZAR was arrested at the Sarita, Texas Border Checkpoint for transporting two undocumented aliens. She was not prosecuted for the case and was released.

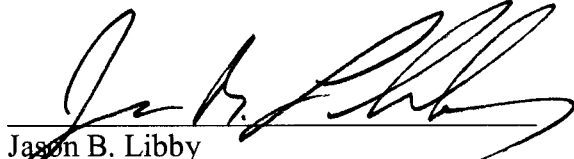
On December 22, 2009, Irene Marisol SALAZAR was arrested at the Sarita Border Patrol Checkpoint for transporting one undocumented alien. She was charged and convicted for 8 U.S.C. 1324, Alien Smuggling.

The facts of this case were presented to Assistant United States Attorney Kenneth A. Cusick who accepted both Daniel J RODRIGUEZ and Irene Marisol SALAZAR for prosecution of 8 USC 1324, Alien Smuggling. Arturo GONZALEZ-Ruiz, Maria BOYZO-Tellez, and Enedino RAMIREZ were held as material witnesses in this case.



George A. Torres, Border Patrol Agent

Sworn to before me, signed in my presence, and
probable cause found on this day, June 4th, 2015


Jason B. Libby
United States Magistrate Judge